

## REMARKS

This responds to the Office Action mailed May 20, 2003. Claims 1-28 have been cancelled without prejudice or disclaimer of the subject matter thereof, and new claims 29-175 have been added to the Application. Applicant believes that the addition of 127 total claims in excess of 20 total claims and the addition of one independent claim in excess of three requires the payment of an additional claim fee for a small entity in the amount of \$1,188.00, (i.e.,  $127 \times \$9.00 + 1 \times \$43 = \$1,186.00$ ). The Commissioner is authorized to charge Deposit Account No. 50-2468 for these fees. Claims 29-175 are now pending in the Application.

New independent claim 29 and the claims depending therefrom, claims 30-64, relate to a variation of Applicant's system ("iterative scoring embodiment"). Support for these claims is found at least in paragraph nos. 61, 71, 78, 85, 97, 151, 328, 354, 404-408, and/or 477 of the published application as well as being implicit in the specification as a whole. These portions of the specification describe how an informational pair is formed in connection with creating a virtual provider, and how iterative scoring occurs. As indicated in the Amendments to the Specification section, several paragraphs of the specification have been amended to provide consistency between the language of the specification and claims. The amendments to the specification are supported at least by the published application paragraph numbers referenced above.

New independent claim 65 and the claims depending therefrom, claims 66-99, relate to a variation of Applicant's system ("sequencing embodiment"). Support for these claims is found at least in paragraph nos. 63, 165-169, 196, 204, 225 and/or 344-355 of the published application as well as being implicit in the specification as a whole.

New independent claim 100 and the claims depending therefrom, claims 101-139, relate to a variation of Applicant's system ("knowledge base embodiment"). Support for these claims is found at least in paragraphs nos. 66-69, 74, 75, 90-94, 386-388, 441-451, 473-475 and/or 488-492 of the published application.

New independent claim 140 and the claims depending therefrom, claims 141-175, relate to a variation of Applicant's system ("correction embodiment"). Support for these claims is found at least in paragraphs nos. 71, 97, 404-408, 471 and/or 505-508 of the published application.

The objection to claims 21-23, and 28 is moot in view of cancellation of these claims.

The rejection of claims 1, 2, 6, 7, 9, 14, 17, and 20 under 35 U.S.C. §102(e) as anticipated by Durand et al. (US 6,272,467 B1) is moot in view of cancellation of these claims.

The rejection of claims 3-5, 8, 10-13, 15, 16, 18, 19, and 21-28 under 35 U.S.C. §103(a) as being unpatentably obvious over Durand et al. '467 is moot in view of cancellation of these claims.

**New independent claim 29** and the claims depending therefrom, claims 30-64, relate to Applicant's system wherein a requester places an order for at least one provider; and a degree of matching is computed. The system includes a data storage device to receive and store user information, a virtual provider, and an iterative scoring system.

The user information includes requester information that specifies requester criteria, provider information that specifies provider criteria, and order information that specifies order criteria provided by the requester for that particular order. The virtual provider is created by pairing provider information of a particular provider with order information of a particular order to create an informational pair. The iterative scoring system compares the provider information of a particular provider and the order information of a particular order within each respective informational pair, determines a score reflecting the degree of matching for each respective informational pair, and receives additional information for iterative rescoring with or without requesting said additional information.

Notably, Applicant's iterative scoring system receives additional user information for iterative rescoring with or without requesting such additional information (see claim 29, last paragraph).

The Application which matured into the Durand et al. Patent was filed in complete form on January 16, 1997. Typical of the closed and/or centralized database systems of that era, Durand et al. feature a system and method which employs a database and an operator in which the database is closed and does not have an interface for updates. The operator keys in predetermined input information from the user including criteria and weighting factors. The database system of Durand et al., however, is not iterative. The system of Durand et al. score providers and eliminate providers which do not meet the predetermined input information. Best fit opportunities are thus lost by the system and method of Durand et al. because the requester has no opportunity to enter revised information in the same order. A new order must be submitted.

The present invention is distinguishable in that Applicant's iterative scoring system receives additional user information for iterative rescoring with or without requesting such additional information (see claim 29, last paragraph). Thus, the present invention according to claim 29 and the claims depending therefrom, claims 30-64, includes modification of the user-provided information, such as requester information, provider information, and order information, by the users, and rescoring. The present invention thus advantageously permits achievement of "a best fit" of providers to orders within a given order.

Applicant submits that the system and method of Durand et al. may not be fairly said to teach or suggest these features and advantages of the present invention. Moreover, Applicant submits that the system and method of Durand et al. may not be fairly modified to show these features of the present invention because there is no teaching or suggestion in Durand et al. of iterative scoring through an interface that receives additional user information for rescoring with or without requesting such additional information.

**New independent claim 65** and the claims depending therefrom, claims 66-99, relate to Applicant's system wherein a requester places an order for at least one provider, and a degree of matching between each order-provider pairing is computed. The system includes a data storage device, at least one virtual provider, a scoring system, a management system, and a sequencing system.

The data storage device receives and stores user information from at least one user, the user information including requester information that specifies requester criteria, provider information that specifies provider criteria, and order information that specifies order criteria provided by the requester for that particular order from at least one user. The at least one virtual provider is created by pairing provider information of a particular provider with order information of a particular order to create an informational pair. The scoring system compares the provider information of a particular provider and the order information of a particular order within each respective informational pair, and determines a score reflecting the degree of matching for each respective informational pair. The management system tracks each virtual provider through a plurality of information gathering steps. The sequencing system specifies contents of each step of the plurality of information gathering steps, the contents at least including instructions to at least one of (a) the requester regarding the input of requester information and (b) the provider regarding the input of provider information.

Notably, the sequencing system specifies contents of each step of the plurality of information gathering steps, the contents at least including instructions to at least one of (a) the requester regarding the input of requester information and (b) the provider regarding the input of provider information.

Durand et al. teach a one pass system and method. In other words, Durand et al. involves only a single step where information is gathered. While multiple questions may be posed of the user, they are still all posed during a single step.

The present invention is distinguishable in that the system requests, receives and uses additional information again and again through multiple information gathering steps as needed using a sequencing system. This sequencing of contents of each step of the plurality of information gathering steps provides additional information which achieves a “best fit” of providers to an order within the same order. Unlike the system and method of Durand et al. providers need not be eliminated. To this end, the multiple information gathering steps of the present invention provide for the collection of different types of information. For example, in an employment context, the different types of information provided may occur through tests, interviews and/or background checks. (It should be noted that this example is not intended to limit the pending claims.) Durand et al. does not disclose nor suggest the gathering of different types of information through multiple steps.

Applicant submits that the system and method of Durand et al. may not be fairly said to teach or suggest these features and advantages of the present invention. Moreover, Applicant submits that the system and method of Durand et al. may not be fairly modified to show these features of the present invention because there is no teaching or suggestion in Durand et al. of a sequencing system.

**New independent claim 100** and the claims depending therefrom, claims 101-139, relate to Applicant’s system wherein a requester places an order for at least one provider and degree of matching between each order-provider pairing is computed using program code. The system includes a data storage device, at least one virtual provider, and a knowledge base.

The data storage device receives and stores user information including requester information that specifies requester criteria, provider information that specifies provider criteria, and order information that specifies the requester’s criteria for that particular order. The at least one virtual provider is created by matching provider information of a particular provider with

order information of a particular order. The knowledge base is stored in a data storage device, is separate from the user information and separate from the program code, and contains information on which to base requests for information by the system to obtain the user information.

Notably, Applicant's knowledge base is stored in a data storage device, is separate from the user information and separate from the program code, and contains information on which to base requests for information by the system to obtain the user information.

Applicant submits that Durand et al. do not disclose nor teach a separate knowledge base. Table 3A of Durand et al. may comprise a database, (see col. 7, line 12 et seq.), but Applicant submits Table 3A is built into the code and is therefore part of the code's flowchart. Two levels of fields and possible values are shown but no separate knowledge base is disclosed. Moreover, no adaptive knowledge base is taught or suggested.

The present invention is distinguishable in that Applicant's knowledge base is stored separately from the user information and separately from the program code, and contains information on which to base requests for information by the system to obtain the user information (see claim 100). And as set forth in dependent claim 103, Applicant's knowledge base may contain at least two different categories of information including (a) basic information used by the system to construct initial questionnaires used to obtain input of initial requester, order, and provider information; and (b) correction information used by the system to construct verification materials used for corrections when the system determines that verification of user-provided information is appropriate (see claim 103). This additional information advantageously permits Applicant's system to achieve a "best fit" of providers to an order within the same order.

Unlike the system and method of Durand et al. providers need not be eliminated.

The system and method of Durand et al. may not be fairly said to teach or suggest these features and advantages of the present invention. Moreover, Applicant submits that the system and method of Durand et al. may not be fairly modified to show these features of the present invention because there is no teaching or suggestion of a system and method including a separate knowledge base which contains information on which to base requests for information which are generated by the system.

**New independent claim 140** and the claims depending therefrom, claims 141-175, relate to Applicant's system wherein a requester places an order for at least one provider and a degree

of matching between each order-provider pairing is computed. The system includes a data storage device, at least one virtual provider, a scoring system, and a correction system.

The data storage device receives and stores user information including requester information that specifies requester criteria, provider information that specifies provider criteria, and order information which specifies the requester's criteria for that particular order. The at least one virtual provider is created by matching provider information of a particular provider with order information of a particular order to create an informational pair. The scoring system for each said at least one virtual provider compares the provider information of a particular provider and the order information of a particular order within each respective informational pair, and determines a score reflecting degree of matching for each respective informational pair. The correction system automatically corrects the scores provided by the scoring system based on correction factors and additional information.

The present invention is distinguishable in that Applicant's correction system automatically corrects scores provided by a scoring system based on correction factors and additional information (see claim 140). Moreover, as set forth in dependent claim 141, Applicant's correction system may include correction factors derived from at least one of interviewing the provider, objective testing of the provider, and reference checking of the provider's information (see claim 141). Durand et al. describe "bonuses" and "penalties", (see col. 15, line 13 et seq.), but these are not based on requesting and/or receiving any additional information. Instead, the bonuses and penalties are associated with the existing information. Thus, Applicant submits that Durand et al. do not teach either provision of correction factors or automatic requesting of additional information so that the "correction embodiment" of the present invention recited in claims 140-175 is clearly distinguishable.

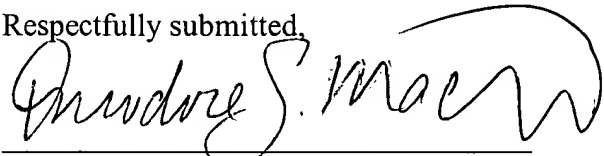
In view of the foregoing distinctions, Applicant submits that the system and method of Durand et al. may not be fairly said to teach or suggest the features and advantages of the present invention recited in claims 140-175. Moreover, Applicant submits that the system and method of Durand et al. may not be fairly modified to show these features of the present invention because there is no teaching or suggestion of either provision of correction factors or automatic requesting of additional information.

In view of the foregoing amendments and remarks, it is requested that the objection and the rejections of record be reconsidered and withdrawn, that new claims 29-175 be allowed, and that the Application be passed onto allowance.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicant request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicant an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Date: November 19, 2003

Respectfully submitted,



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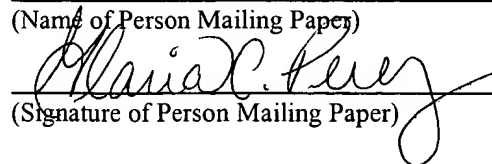
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Date of Mailing: November 19, 2003

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